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| 10/716,402  | 11/20/2003  | Luigi Satragno              | 1008788-000053      | 5541             |
| 21839 7590 09/17/2009<br>BUCHANAN, INGERSOLL & ROONEY PC<br>POST OFFICE BOX 1404<br>ALEXANDRIA, VA 22313-1404 |             |                             |                     |                  |
| EXAMINER<br>LAMPRECHT, JOEL   |             |                             |                     |                  |
| ART UNIT<br>3737  |             | PAPER NUMBER                |                     |                  |
| NOTIFICATION DATE<br>09/17/2009   |             | DELIVERY MODE<br>ELECTRONIC |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

### Office Action Summary

**Application No.**

10/716,402

**Applicant(s)**

SATRAGNO ET AL.

**Examiner**

JOEL M. LAMPRECHT

**Art Unit**

3737

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-28, 30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-28, 30 and 32-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/09 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 6-19, 21-24, 27, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrozzi et al (EP 1 004 269 A1) in view of DeMeester et al (US 6,029,281). The disclosure of Carrozzi et al, specifically in regards to the figures, discloses a majority of the same invention as in Applicants' application.

Regarding Claim 1, Carrozzi et al disclose in Figure 1, Element 1 an MRI apparatus, Element 201 a cavity, wherein the table can be attached to an MRI base block supporting structure (0019-0026), is slide-able in at least 1 direction (0043), and has means for removable connection between the table and MRI apparatus (0041-0043).

Regarding Claims 6-19, and 21-24, Carrozzi et al disclose a base block with wheels (Fig 2-3), a platforms with base plate and upper MRI supporting plate (Fig 1-4), a table guide interposed between the base plate and the upper plate of the platform (Figure 2-3), elements for rolling (element 4), and also a supporting plate which is slidable along a base plate, having an extension shaped as a circle coaxial to the sector shaped sliding guide (Fig 2-4). Additionally, Carrozzi et al disclose a support extension (support of element 1 from the figures), a magnet structure (element 1) having space (between 1 and 201) for accommodating a body part, and coaxial sector-shaped guides, with perpendicular axes intersecting the magnet structure. Carrozzi et al. also disclose a support structure that has the capacity to extend through an angle of less than 360 degrees or less than 180 degrees, sides of a magnet structure having an outer edge, arched to the table sliding guide. Within the interpretation of the Claims as written

Carrozzi et al also disclose sector-shaped guide and/or the upper support plate of the MRI apparatus and/or the upper support plate of the extension either individually or as a coupling within the disclosed system, can rotate a full 360 degrees, as when the system is not coupled, the rollers on the invention and pressure make it easily possible to rotate the guide, or supports a full 360 degrees.

Regarding Claim 27, Carrozzi et al disclose a table coupled to the MRI apparatus at one end side and extending radially with respect to the sector-shaped sliding guide (Figures 1-4).

Regarding Claims 34-37, Carrozzi et al disclose a system with an MRI apparatus, a table coupled to the apparatus, a guide for relative slide-able displacement of the table and the apparatus, which has the shape of a circle, and at least one platform rotates with an axis of rotation coaxial to the axis of the sector-shaped guide for the table which has means for rolling (Figure 1-6).

Carrozzi et al do not disclose the use of a base block of the MR imaging apparatus which has wheels or rollers for rotating the MRI apparatus relative to the table. Attention is then directed to the secondary reference by DeMeester et al which discloses the use of a magnetic structure complete with rollers and rotatable magnets for the purpose of affording a greater access to the patient during a procedure (Figures 1-3 and Col 5 Line 53- Col 6 Line 20). The rotatable system of DeMeester et al, coupled with the apparatus of Carrozzi et al so that the rotatable magnet system of DeMeester et al replaces the magnet system of Carrozzi et al provides for a rotatable support plate and magnet with respect to the same axis of rotation being used for the

rotary guide of Carrozzi et al (Fig 4a of DeMeester et al and Figure 4 of Carrozzi). It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the roller system of DeMeester et al with the patient table MRI device of Carrozzi et al to allow for easier patient access and more customizable device positioning (Col 1 Line 55- Col 2 Line 17).

Claims 2-4, 20, 25-26, 28, 30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrozzi et al (EP 1 004 269 A1) in view of DeMeester et al as applied to claims 1,16 above and in further view of Tazaki (JP 11028199 A). Regarding Claims 2-4 Carrozzi et al in view of DeMeester et al disclose all the limitations of the claims as listed but does not disclose using two tables simultaneously, rather Carrozzi et al in view of DeMeester disclose having one table. One having sufficient skill in the art would have expected the invention to perform equally well dependent on patient based on multiple factors, as the tables are used as a support structure for the patient, and if the patient was too tall for just one table, another could be added. It is further noted that JP 11028199A discloses the use of multiple rotatable and variably positionable tables for the purpose of facilitating easier imaging acquisition (English language abstract provided complete with motivations).

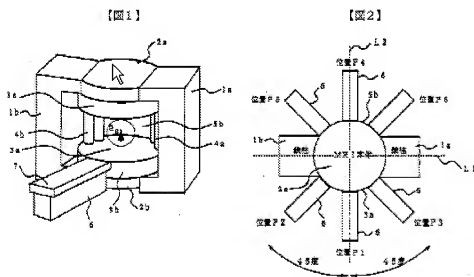
Regarding Claims 20, and 25-26 Carrozzi et al disclose a table guide for slidable displacement of the table fitted onto an intermediate part, removably coupled to the MRI apparatus by sliding guides (see Figure 4, 5, 6, 7, and specifically 13-14) and a cavity for accommodating the magnet structure, but does not disclose two or more tables

being simultaneously coupled to the magnetic resonance imaging apparatus, rather Carrozzi et al discloses one table being removably coupled at a plurality of locales around the MRI apparatus. One having sufficient skill in the art would have expected the invention to perform equally well based on the design choice, as the tables are used in the exact same manner and are iteratively added if more support is needed for positioning. Additionally, attention is directed to the secondary teaching reference by Tazaki, which specifically discloses the use of multiple rotatable and positionable tables for the use of facilitating easier acquisition of MR images of a person.

Regarding claims 28, 30, 32, and 33 Carrozzi et al disclose all the limitations of the claims except for providing two patient tables, each at an opposing side of a guide and providing an MR apparatus which is capable of rotation coaxially to the guide sections. In Claims 28-33, Carrozzi et al discloses one guide section, but does not disclose two separate guide sections that extend through an angle of less than 180 degrees or less than 90 degrees and are coaxial to each other. Carrozzi discloses a guide section, which contains two diametrically opposite sections each fully capable of placement of diametrically opposite tables by coupling them to the central portion (element 102). Using Figure 6 as a guide, Carrozzi is capable of having tables placed on the opposite sides of the central portion if the patient being imaged required extra support, considering there are already locking pins (element 6) on both sides of the central portion (102). The secondary reference by Tazaki (JP 11028199A), discloses the use of multiple tables (paragraphs 0001-0002) and the placement of a table in diametrically opposite directions for the purpose of allowing for displacement around an

MR apparatus. Finally, attention is directed to the secondary reference by DeMeester et al which discloses the use of magnet structure which is capable of being rotated to allow for rotation with respect to the imaging table the patient is rested upon (Figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed for rotation of the MR apparatus or magnet with respect to the table in order to provide increased access to a patient undergoing an MRI procedure (Col 1 Line 55- Col 2 Line 45).

Two images from the JP patent have been included for additional clarification on the motivation to use multiple tables during an MRI procedure below as the use of multiple tables is disclosed within the background and the patent to Tazaki discloses that the knowledge of multiple tables at diametrically opposing positions is well-known within the art as cited in the description.





### ***Response to Arguments***

Applicants arguments of 6/26/09 have been considered and responded to in the Advisory Action of 7/22/09. Applicant has not made any further arguments concurrent with the filing of this request for continued examination and as such, Examiner believes that the response of the Advisory Action should be sufficient with regard to clarifying the rejection and issues of the instant application. The response to arguments of the advisory action is listed below as it still applies:

Applicant has argued that Carrozzi in view of DeMeester et al does not disclose a "base block" disposed on a platform interposed between the MR imaging apparatus and the floor, the platform comprising a base plate and upper MR apparatus supporting plate, where an upper plater lies over the base plate and where the means for rotating and sliding the platform is disposed between the two plates to allow for rotation along an annular path to allow for sliding up the upper plate relative to the base plate. Examiner respectfully disagrees with Applicant's methods of combining the two references being relied upon. With regard to the DeMeester reference, Examiner asserts that the portions of the rotatable MR apparatus support constitute at least a platform that is disposed between the apparatus itself and the floor and also that there exists a base plate and a supporting plate which supports the MRI apparatus while concurrently allowing for rotation along an annular path which is along the same axis of that of the patient table. The magnets of the MR system of DeMeester at least constitute an MR imaging apparatus, as they are used to provide for MR imaging of a patient. While the axis of rotation would indeed be different than that of the current application, the axis would still be coaxial to that of the patient table as disclosed in the drawing submitted with Applicant's remarks. Applicant further argues that Tazaki does not disclose multiple table use, yet the background of Tazaki clearly states that the use of multiple tables attached to an MR system at variable points around a center portion is known and provides for motivation to allow for multiple attachment mechanisms on a combination MR/patient table system.

### ***Conclusion***

All claims are drawn to the same invention claimed in the earlier response and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier amendment. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JOEL M. LAMPRECHT** whose telephone number is (571)272-3250. The examiner can normally be reached on 8:30-5:00 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML

/BRIAN CASLER/

Supervisory Patent Examiner, Art Unit 3737